



Rep. LaShawn K. Ford

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1 AMENDMENT TO HOUSE BILL 204

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 204 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Children and Family Services Act is amended  
5 by changing Section 22.3 as follows:

6 (20 ILCS 505/22.3) (from Ch. 23, par. 5022.3)

7 Sec. 22.3. To provide human immunodeficiency virus (HIV)  
8 testing for any child in the custody of the Department being  
9 placed in adoptive care, upon the request of the child's  
10 prospective adoptive parent. Such testing test shall consist of  
11 a test approved by the Illinois Department of Public Health to  
12 determine the presence of HIV infection, based upon the  
13 recommendations of the United States Centers for Disease  
14 Control and Prevention ~~an enzyme linked immunosorbent assay~~  
15 ~~(ELISA) test to determine the presence of antibodies to HIV, or~~  
16 ~~such other test as may be approved by the Illinois Department~~

1 ~~of Public Health;~~ in the event of a positive result, a the  
2 ~~Western Blot Assay or a more~~ reliable supplemental confirmatory  
3 test based upon recommendations of the United States Centers  
4 for Disease Control and Prevention shall also be administered.

5 The prospective adoptive parent requesting the test shall be  
6 confidentially notified of the test result, and if the test is  
7 positive, the Department shall provide the prospective  
8 adoptive parents and child with treatment and counseling, as  
9 appropriate. The Department shall report positive HIV test  
10 results to the Illinois Department of Public Health.

11 (Source: P.A. 86-904.)

12 Section 10. The Communicable Disease Prevention Act is  
13 amended by changing Section 2a as follows:

14 (410 ILCS 315/2a) (from Ch. 111 1/2, par. 22.12a)

15 Sec. 2a. Whenever a child of school age is reported to the  
16 Illinois Department of Public Health or a local health  
17 department as having been diagnosed as having acquired immune  
18 deficiency syndrome (AIDS) or human immunodeficiency virus  
19 (HIV) based upon case definitions established by the United  
20 States Centers for Disease Control and Prevention ~~AIDS-related~~  
21 ~~complex (ARC)~~ or as having been shown to have been exposed to  
22 human immunodeficiency virus (HIV) or any other identified  
23 causative agent of AIDS by testing positive on a ~~Western Blot~~  
24 ~~Assay or more~~ reliable test based upon recommendations of the

1 United States Centers for Disease Control and Prevention, such  
2 department shall give prompt and confidential notice of the  
3 identity of the child to the principal of the school in which  
4 the child is enrolled. If the child is enrolled in a public  
5 school, the principal shall disclose the identity of the child  
6 to the superintendent of the school district in which the child  
7 resides.

8 The principal may, as necessary, disclose the identity of  
9 an infected child to:

10 (1) the school nurse at that school;

11 (2) the classroom teachers in whose classes the child is  
12 enrolled; and

13 (3) those persons who, pursuant to federal or state law,  
14 are required to decide the placement or educational program of  
15 the child.

16 In addition, the principal may inform such other persons as  
17 may be necessary that an infected child is enrolled at that  
18 school, so long as the child's identity is not revealed.

19 (Source: P.A. 85-1399.)

20 Section 15. The Criminal Code of 1961 is amended by  
21 changing Section 12-18 as follows:

22 (720 ILCS 5/12-18) (from Ch. 38, par. 12-18)

23 Sec. 12-18. General Provisions.

24 (a) No person accused of violating Sections 12-13, 12-14,

1 12-15 or 12-16 of this Code shall be presumed to be incapable  
2 of committing an offense prohibited by Sections 12-13, 12-14,  
3 12-14.1, 12-15 or 12-16 of this Code because of age, physical  
4 condition or relationship to the victim, except as otherwise  
5 provided in subsection (c) of this Section. Nothing in this  
6 Section shall be construed to modify or abrogate the  
7 affirmative defense of infancy under Section 6-1 of this Code  
8 or the provisions of Section 5-805 of the Juvenile Court Act of  
9 1987.

10 (b) Any medical examination or procedure which is conducted  
11 by a physician, nurse, medical or hospital personnel, parent,  
12 or caretaker for purposes and in a manner consistent with  
13 reasonable medical standards is not an offense under Sections  
14 12-13, 12-14, 12-14.1, 12-15 and 12-16 of this Code.

15 (c) (Blank).

16 (d) (Blank).

17 (e) After a finding at a preliminary hearing that there is  
18 probable cause to believe that an accused has committed a  
19 violation of Section 12-13, 12-14, or 12-14.1 of this Code, or  
20 after an indictment is returned charging an accused with a  
21 violation of Section 12-13, 12-14, or 12-14.1 of this Code, or  
22 after a finding that a defendant charged with a violation of  
23 Section 12-13, 12-14, or 12-14.1 of this Code is unfit to stand  
24 trial pursuant to Section 104-16 of the Code of Criminal  
25 Procedure of 1963 where the finding is made prior to  
26 preliminary hearing, at the request of the person who was the

1 victim of the violation of Section 12-13, 12-14, or 12-14.1,  
2 the prosecuting State's attorney shall seek an order from the  
3 court to compel the accused to be tested within 48 hours for  
4 any sexually transmissible disease, including a test for  
5 infection with human immunodeficiency virus (HIV). The medical  
6 tests shall be performed only by appropriately licensed medical  
7 practitioners. Such testing shall consist of a test approved by  
8 the Illinois Department of Public Health to determine the  
9 presence of HIV infection, based upon recommendations of the  
10 United States Centers for Disease Control and Prevention ~~The~~  
11 ~~test for infection with human immunodeficiency virus (HIV)~~  
12 ~~shall consist of an enzyme-linked immunosorbent assay (ELISA)~~  
13 ~~test, or such other test as may be approved by the Illinois~~  
14 ~~Department of Public Health;~~ in the event of a positive result,  
15 a the Western Blot Assay or a more reliable supplemental  
16 ~~confirmatory~~ test based upon recommendations of the United  
17 States Centers for Disease Control and Prevention shall be  
18 administered. The results of the tests and any follow-up tests  
19 shall be kept strictly confidential by all medical personnel  
20 involved in the testing and must be personally delivered in a  
21 sealed envelope to the victim, to the defendant, to the State's  
22 Attorney, and to the judge who entered the order, for the  
23 judge's inspection in camera. The judge shall provide to the  
24 victim a referral to the Illinois Department of Public Health  
25 HIV/AIDS toll-free hotline for counseling and information in  
26 connection with the test result. Acting in accordance with the

1 best interests of the victim and the public, the judge shall  
2 have the discretion to determine to whom, if anyone, the result  
3 of the testing may be revealed; however, in no case shall the  
4 identity of the victim be disclosed. The court shall order that  
5 the cost of the tests shall be paid by the county, and shall be  
6 taxed as costs against the accused if convicted.

7 (f) Whenever any law enforcement officer has reasonable  
8 cause to believe that a person has been delivered a controlled  
9 substance without his or her consent, the law enforcement  
10 officer shall advise the victim about seeking medical treatment  
11 and preserving evidence.

12 (g) Every hospital providing emergency hospital services  
13 to an alleged sexual assault survivor, when there is reasonable  
14 cause to believe that a person has been delivered a controlled  
15 substance without his or her consent, shall designate personnel  
16 to provide:

17 (1) An explanation to the victim about the nature and  
18 effects of commonly used controlled substances and how such  
19 controlled substances are administered.

20 (2) An offer to the victim of testing for the presence  
21 of such controlled substances.

22 (3) A disclosure to the victim that all controlled  
23 substances or alcohol ingested by the victim will be  
24 disclosed by the test.

25 (4) A statement that the test is completely voluntary.

26 (5) A form for written authorization for sample

1 analysis of all controlled substances and alcohol ingested  
2 by the victim.

3 A physician licensed to practice medicine in all its  
4 branches may agree to be a designated person under this  
5 subsection.

6 No sample analysis may be performed unless the victim  
7 returns a signed written authorization within 30 days after the  
8 sample was collected.

9 Any medical treatment or care under this subsection shall  
10 be only in accordance with the order of a physician licensed to  
11 practice medicine in all of its branches. Any testing under  
12 this subsection shall be only in accordance with the order of a  
13 licensed individual authorized to order the testing.

14 (Source: P.A. 94-397, eff. 1-1-06; 95-926, eff. 8-26-08.)

15 Section 20. The Unified Code of Corrections is amended by  
16 changing Sections 3-6-2, 3-8-2, and 3-10-2 as follows:

17 (730 ILCS 5/3-6-2) (from Ch. 38, par. 1003-6-2)

18 Sec. 3-6-2. Institutions and Facility Administration.

19 (a) Each institution and facility of the Department shall  
20 be administered by a chief administrative officer appointed by  
21 the Director. A chief administrative officer shall be  
22 responsible for all persons assigned to the institution or  
23 facility. The chief administrative officer shall administer  
24 the programs of the Department for the custody and treatment of

1 such persons.

2 (b) The chief administrative officer shall have such  
3 assistants as the Department may assign.

4 (c) The Director or Assistant Director shall have the  
5 emergency powers to temporarily transfer individuals without  
6 formal procedures to any State, county, municipal or regional  
7 correctional or detention institution or facility in the State,  
8 subject to the acceptance of such receiving institution or  
9 facility, or to designate any reasonably secure place in the  
10 State as such an institution or facility and to make transfers  
11 thereto. However, transfers made under emergency powers shall  
12 be reviewed as soon as practicable under Article 8, and shall  
13 be subject to Section 5-905 of the Juvenile Court Act of 1987.  
14 This Section shall not apply to transfers to the Department of  
15 Human Services which are provided for under Section 3-8-5 or  
16 Section 3-10-5.

17 (d) The Department shall provide educational programs for  
18 all committed persons so that all persons have an opportunity  
19 to attain the achievement level equivalent to the completion of  
20 the twelfth grade in the public school system in this State.  
21 Other higher levels of attainment shall be encouraged and  
22 professional instruction shall be maintained wherever  
23 possible. The Department may establish programs of mandatory  
24 education and may establish rules and regulations for the  
25 administration of such programs. A person committed to the  
26 Department who, during the period of his or her incarceration,

1 participates in an educational program provided by or through  
2 the Department and through that program is awarded or earns the  
3 number of hours of credit required for the award of an  
4 associate, baccalaureate, or higher degree from a community  
5 college, college, or university located in Illinois shall  
6 reimburse the State, through the Department, for the costs  
7 incurred by the State in providing that person during his or  
8 her incarceration with the education that qualifies him or her  
9 for the award of that degree. The costs for which reimbursement  
10 is required under this subsection shall be determined and  
11 computed by the Department under rules and regulations that it  
12 shall establish for that purpose. However, interest at the rate  
13 of 6% per annum shall be charged on the balance of those costs  
14 from time to time remaining unpaid, from the date of the  
15 person's parole, mandatory supervised release, or release  
16 constituting a final termination of his or her commitment to  
17 the Department until paid.

18 (d-5) A person committed to the Department is entitled to  
19 confidential testing for infection with human immunodeficiency  
20 virus (HIV) and to counseling in connection with such testing,  
21 with no copay to the committed person. A person committed to  
22 the Department who has tested positive for infection with HIV  
23 is entitled to medical care while incarcerated, counseling, and  
24 referrals to support services, in connection with that positive  
25 test result. Implementation of this subsection (d-5) is subject  
26 to appropriation.

1           (e) A person committed to the Department who becomes in  
2 need of medical or surgical treatment but is incapable of  
3 giving consent thereto shall receive such medical or surgical  
4 treatment by the chief administrative officer consenting on the  
5 person's behalf. Before the chief administrative officer  
6 consents, he or she shall obtain the advice of one or more  
7 physicians licensed to practice medicine in all its branches in  
8 this State. If such physician or physicians advise:

9           (1) that immediate medical or surgical treatment is  
10 required relative to a condition threatening to cause  
11 death, damage or impairment to bodily functions, or  
12 disfigurement; and

13           (2) that the person is not capable of giving consent to  
14 such treatment; the chief administrative officer may give  
15 consent for such medical or surgical treatment, and such  
16 consent shall be deemed to be the consent of the person for  
17 all purposes, including, but not limited to, the authority  
18 of a physician to give such treatment.

19           (e-5) If a physician providing medical care to a committed  
20 person on behalf of the Department advises the chief  
21 administrative officer that the committed person's mental or  
22 physical health has deteriorated as a result of the cessation  
23 of ingestion of food or liquid to the point where medical or  
24 surgical treatment is required to prevent death, damage, or  
25 impairment to bodily functions, the chief administrative  
26 officer may authorize such medical or surgical treatment.

1           (f) In the event that the person requires medical care and  
2 treatment at a place other than the institution or facility,  
3 the person may be removed therefrom under conditions prescribed  
4 by the Department. The Department shall require the committed  
5 person receiving medical or dental services on a non-emergency  
6 basis to pay a \$2 co-payment to the Department for each visit  
7 for medical or dental services. The amount of each co-payment  
8 shall be deducted from the committed person's individual  
9 account. A committed person who has a chronic illness, as  
10 defined by Department rules and regulations, shall be exempt  
11 from the \$2 co-payment for treatment of the chronic illness. A  
12 committed person shall not be subject to a \$2 co-payment for  
13 follow-up visits ordered by a physician, who is employed by, or  
14 contracts with, the Department. A committed person who is  
15 indigent is exempt from the \$2 co-payment and is entitled to  
16 receive medical or dental services on the same basis as a  
17 committed person who is financially able to afford the  
18 co-payment. Notwithstanding any other provision in this  
19 subsection (f) to the contrary, any person committed to any  
20 facility operated by the Department of Juvenile Justice, as set  
21 forth in Section 3-2.5-15 of this Code, is exempt from the  
22 co-payment requirement for the duration of confinement in those  
23 facilities.

24           (g) Any person having sole custody of a child at the time  
25 of commitment or any woman giving birth to a child after her  
26 commitment, may arrange through the Department of Children and

1 Family Services for suitable placement of the child outside of  
2 the Department of Corrections. The Director of the Department  
3 of Corrections may determine that there are special reasons why  
4 the child should continue in the custody of the mother until  
5 the child is 6 years old.

6 (h) The Department may provide Family Responsibility  
7 Services which may consist of, but not be limited to the  
8 following:

9 (1) family advocacy counseling;

10 (2) parent self-help group;

11 (3) parenting skills training;

12 (4) parent and child overnight program;

13 (5) parent and child reunification counseling, either  
14 separately or together, preceding the inmate's release;  
15 and

16 (6) a prerelease reunification staffing involving the  
17 family advocate, the inmate and the child's counselor, or  
18 both and the inmate.

19 (i) Prior to the release of any inmate who has a documented  
20 history of intravenous drug use, and upon the receipt of that  
21 inmate's written informed consent, the Department shall  
22 provide for the testing of such inmate for infection with human  
23 immunodeficiency virus (HIV) and any other identified  
24 causative agent of acquired immunodeficiency syndrome (AIDS).  
25 The testing provided under this subsection shall consist of a  
26 test approved by the Illinois Department of Public Health to

1 determine the presence of HIV infection, based upon  
2 recommendations of the United States Centers for Disease  
3 Control and Prevention ~~an enzyme-linked immunosorbent assay~~  
4 ~~(ELISA) test or such other test as may be approved by the~~  
5 ~~Illinois Department of Public Health.~~ If the test result is  
6 positive, a reliable supplemental ~~the Western Blot Assay or~~  
7 ~~more reliable confirmatory~~ test based upon recommendations of  
8 the United States Centers for Disease Control and Prevention  
9 shall be administered. All inmates tested in accordance with  
10 the provisions of this subsection shall be provided with  
11 pre-test information and post-test counseling. Notwithstanding  
12 any provision of this subsection to the contrary, the  
13 Department shall not be required to conduct the testing and  
14 counseling required by this subsection unless sufficient funds  
15 to cover all costs of such testing and counseling are  
16 appropriated for that purpose by the General Assembly.

17 (j) Any person convicted of a sex offense as defined in the  
18 Sex Offender Management Board Act shall be required to receive  
19 a sex offender evaluation prior to release into the community  
20 from the Department of Corrections. The sex offender evaluation  
21 shall be conducted in conformance with the standards and  
22 guidelines developed under the Sex Offender Management Board  
23 Act and by an evaluator approved by the Board.

24 (k) Any minor committed to the Department of Juvenile  
25 Justice for a sex offense as defined by the Sex Offender  
26 Management Board Act shall be required to undergo sex offender

1 treatment by a treatment provider approved by the Board and  
2 conducted in conformance with the Sex Offender Management Board  
3 Act.

4 (1) Prior to the release of any inmate, the Department must  
5 provide the inmate with the option of testing for infection  
6 with human immunodeficiency virus (HIV), as well as counseling  
7 in connection with such testing, with no copayment for the  
8 test. At the same time, the Department shall require each such  
9 inmate to sign a form stating that the inmate has been informed  
10 of his or her rights with respect to the testing required to be  
11 offered under this subsection (1) and providing the inmate with  
12 an opportunity to indicate either that he or she wants to be  
13 tested or that he or she does not want to be tested. The  
14 Department, in consultation with the Department of Public  
15 Health, shall prescribe the contents of the form. The testing  
16 provided under this subsection (1) shall consist of a test  
17 approved by the Illinois Department of Public Health to  
18 determine the presence of HIV infection, based upon  
19 recommendations of the United States Centers for Disease  
20 Control and Prevention ~~an enzyme-linked immunosorbent assay~~  
21 ~~(ELISA) test or any other test approved by the Department of~~  
22 ~~Public Health.~~ If the test result is positive, a ~~the Western~~  
23 ~~Blot Assay or more~~ reliable supplemental ~~confirmatory~~ test  
24 based upon recommendations of the United States Centers for  
25 Disease Control and Prevention shall be administered.

26 Prior to the release of an inmate who the Department knows

1 has tested positive for infection with HIV, the Department in a  
2 timely manner shall offer the inmate transitional case  
3 management, including referrals to other support services.

4 Implementation of this subsection (1) is subject to  
5 appropriation.

6 (m) The chief administrative officer of each institution or  
7 facility of the Department shall make a room in the institution  
8 or facility available for addiction recovery services to be  
9 provided to committed persons on a voluntary basis. The  
10 services shall be provided for one hour once a week at a time  
11 specified by the chief administrative officer of the  
12 institution or facility if the following conditions are met:

13 (1) the addiction recovery service contacts the chief  
14 administrative officer to arrange the meeting;

15 (2) the committed person may attend the meeting for  
16 addiction recovery services only if the committed person  
17 uses pre-existing free time already available to the  
18 committed person;

19 (3) all disciplinary and other rules of the institution  
20 or facility remain in effect;

21 (4) the committed person is not given any additional  
22 privileges to attend addiction recovery services;

23 (5) if the addiction recovery service does not arrange  
24 for scheduling a meeting for that week, no addiction  
25 recovery services shall be provided to the committed person  
26 in the institution or facility for that week;

1           (6) the number of committed persons who may attend an  
2 addiction recovery meeting shall not exceed 40 during any  
3 session held at the correctional institution or facility;

4           (7) a volunteer seeking to provide addiction recovery  
5 services under this subsection (m) must submit an  
6 application to the Department of Corrections under  
7 existing Department rules and the Department must review  
8 the application within 60 days after submission of the  
9 application to the Department; and

10          (8) each institution and facility of the Department  
11 shall manage the addiction recovery services program  
12 according to its own processes and procedures.

13          For the purposes of this subsection (m), "addiction  
14 recovery services" means recovery services for alcoholics and  
15 addicts provided by volunteers of recovery support services  
16 recognized by the Department of Human Services.

17          (Source: P.A. 96-284, eff. 1-1-10.)

18          (730 ILCS 5/3-8-2) (from Ch. 38, par. 1003-8-2)

19          Sec. 3-8-2. Social Evaluation; physical examination;  
20 HIV/AIDS.

21          (a) A social evaluation shall be made of a committed  
22 person's medical, psychological, educational and vocational  
23 condition and history, including the use of alcohol and other  
24 drugs, the circumstances of his offense, and such other  
25 information as the Department may determine. The committed

1 person shall be assigned to an institution or facility in so  
2 far as practicable in accordance with the social evaluation.  
3 Recommendations shall be made for medical, dental,  
4 psychiatric, psychological and social service treatment.

5 (b) A record of the social evaluation shall be entered in  
6 the committed person's master record file and shall be  
7 forwarded to the institution or facility to which the person is  
8 assigned.

9 (c) Upon admission to a correctional institution each  
10 committed person shall be given a physical examination. If he  
11 is suspected of having a communicable disease that in the  
12 judgment of the Department medical personnel requires medical  
13 isolation, the committed person shall remain in medical  
14 isolation until it is no longer deemed medically necessary.

15 (d) Upon arrival at an inmate's final destination, the  
16 Department must provide the committed person with appropriate  
17 written information and counseling concerning HIV and AIDS. The  
18 Department shall develop the written materials in consultation  
19 with the Department of Public Health. At the same time, the  
20 Department also must offer the committed person the option of  
21 being tested, with no copayment, for infection with human  
22 immunodeficiency virus (HIV). The Department shall require  
23 each committed person to sign a form stating that the committed  
24 person has been informed of his or her rights with respect to  
25 the testing required to be offered under this subsection (d)  
26 and providing the committed person with an opportunity to

1 indicate either that he or she wants to be tested or that he or  
2 she does not want to be tested. The Department, in consultation  
3 with the Department of Public Health, shall prescribe the  
4 contents of the form. The testing provided under this  
5 subsection (d) shall consist of a test approved by the Illinois  
6 Department of Public Health to determine the presence of HIV  
7 infection, based upon recommendations of the United States  
8 Centers for Disease Control and Prevention ~~an enzyme linked~~  
9 ~~immunosorbent assay (ELISA) test or any other test approved by~~  
10 ~~the Department of Public Health.~~ If the test result is  
11 positive, a ~~the Western Blot Assay or more~~ reliable  
12 supplemental confirmatory test based upon recommendations of  
13 the United States Centers for Disease Control and Prevention  
14 shall be administered. Implementation of this subsection (d) is  
15 subject to appropriation.

16 (Source: P.A. 94-629, eff. 1-1-06.)

17 (730 ILCS 5/3-10-2) (from Ch. 38, par. 1003-10-2)

18 Sec. 3-10-2. Examination of Persons Committed to the  
19 Department of Juvenile Justice.

20 (a) A person committed to the Department of Juvenile  
21 Justice shall be examined in regard to his medical,  
22 psychological, social, educational and vocational condition  
23 and history, including the use of alcohol and other drugs, the  
24 circumstances of his offense and any other information as the  
25 Department of Juvenile Justice may determine.

1 (a-5) Upon admission of a person committed to the  
2 Department of Juvenile Justice, the Department of Juvenile  
3 Justice must provide the person with appropriate written  
4 information and counseling concerning HIV and AIDS. The  
5 Department of Juvenile Justice shall develop the written  
6 materials in consultation with the Department of Public Health.  
7 At the same time, the Department of Juvenile Justice also must  
8 offer the person the option of being tested, at no charge to  
9 the person, for infection with human immunodeficiency virus  
10 (HIV) or any other identified causative agent of acquired  
11 immunodeficiency syndrome (AIDS). The Department of Juvenile  
12 Justice shall require each person committed to the Department  
13 of Juvenile Justice to sign a form stating that the person has  
14 been informed of his or her rights with respect to the testing  
15 required to be offered under this subsection (a-5) and  
16 providing the person with an opportunity to indicate either  
17 that he or she wants to be tested or that he or she does not  
18 want to be tested. The Department of Juvenile Justice, in  
19 consultation with the Department of Public Health, shall  
20 prescribe the contents of the form. The testing provided under  
21 this subsection (a-5) shall consist of a test approved by the  
22 Illinois Department of Public Health to determine the presence  
23 of HIV infection, based upon recommendations of the United  
24 States Centers for Disease Control and Prevention ~~an~~  
25 ~~enzyme linked immunosorbent assay (ELISA) test or any other~~  
26 ~~test approved by the Department of Public Health.~~ If the test

1 result is positive, ~~a the Western Blot Assay or more~~ reliable  
2 supplemental confirmatory test based upon recommendations of  
3 the United States Centers for Disease Control and Prevention  
4 shall be administered.

5 Also upon admission of a person committed to the Department  
6 of Juvenile Justice, the Department of Juvenile Justice must  
7 inform the person of the Department's obligation to provide the  
8 person with medical care.

9 Implementation of this subsection (a-5) is subject to  
10 appropriation.

11 (b) Based on its examination, the Department of Juvenile  
12 Justice may exercise the following powers in developing a  
13 treatment program of any person committed to the Department of  
14 Juvenile Justice:

15 (1) Require participation by him in vocational,  
16 physical, educational and corrective training and  
17 activities to return him to the community.

18 (2) Place him in any institution or facility of the  
19 Department of Juvenile Justice.

20 (3) Order replacement or referral to the Parole and  
21 Pardon Board as often as it deems desirable. The Department  
22 of Juvenile Justice shall refer the person to the Parole  
23 and Pardon Board as required under Section 3-3-4.

24 (4) Enter into agreements with the Secretary of Human  
25 Services and the Director of Children and Family Services,  
26 with courts having probation officers, and with private

1 agencies or institutions for separate care or special  
2 treatment of persons subject to the control of the  
3 Department of Juvenile Justice.

4 (c) The Department of Juvenile Justice shall make periodic  
5 reexamination of all persons under the control of the  
6 Department of Juvenile Justice to determine whether existing  
7 orders in individual cases should be modified or continued.  
8 This examination shall be made with respect to every person at  
9 least once annually.

10 (d) A record of the treatment decision including any  
11 modification thereof and the reason therefor, shall be part of  
12 the committed person's master record file.

13 (e) The Department of Juvenile Justice shall by certified  
14 mail, return receipt requested, notify the parent, guardian or  
15 nearest relative of any person committed to the Department of  
16 Juvenile Justice of his physical location and any change  
17 thereof.

18 (Source: P.A. 94-629, eff. 1-1-06; 94-696, eff. 6-1-06.)

19 Section 25. The County Jail Act is amended by changing  
20 Section 17.10 as follows:

21 (730 ILCS 125/17.10)

22 Sec. 17.10. Requirements in connection with HIV/AIDS.

23 (a) In each county other than Cook, during the medical  
24 admissions exam, the warden of the jail, a correctional officer

1 at the jail, or a member of the jail medical staff must provide  
2 the prisoner with appropriate written information concerning  
3 human immunodeficiency virus (HIV) and acquired  
4 immunodeficiency syndrome (AIDS). The Department of Public  
5 Health and community-based organizations certified to provide  
6 HIV/AIDS testing must provide these informational materials to  
7 the warden at no cost to the county. The warden, a correctional  
8 officer, or a member of the jail medical staff must inform the  
9 prisoner of the option of being tested for infection with HIV  
10 by a certified local community-based agency or other available  
11 medical provider at no charge to the prisoner.

12 (b) In Cook County, during the medical admissions exam, an  
13 employee of the Cook County Bureau of Health Services must  
14 provide the prisoner with appropriate written information  
15 concerning human immunodeficiency virus (HIV) and acquired  
16 immunodeficiency syndrome (AIDS) and must also provide the  
17 prisoner with option of testing for infection with HIV or any  
18 other identified causative agent of AIDS, as well as counseling  
19 in connection with such testing. The Department of Public  
20 Health and community-based organizations certified to provide  
21 HIV/AIDS testing must provide these informational materials to  
22 the Bureau at no cost to the county. The testing provided under  
23 this subsection (b) shall be conducted by the Cook County  
24 Bureau of Health Services and shall consist of a test approved  
25 by the Illinois Department of Public Health to determine the  
26 presence of HIV infection, based upon recommendations of the

1 United States Centers for Disease Control and Prevention ~~an~~  
2 ~~enzyme-linked immunosorbent assay (ELISA) test or any other~~  
3 ~~test approved by the Department of Public Health.~~ If the test  
4 result is positive, a ~~the Western Blot Assay or more~~ reliable  
5 supplemental confirmatory test based upon recommendations of  
6 the United States Centers for Disease Control and Prevention  
7 shall be administered.

8 (c) In each county, the warden of the jail must make  
9 appropriate written information concerning HIV/AIDS available  
10 to every visitor to the jail. This information must include  
11 information concerning persons or entities to contact for local  
12 counseling and testing. The Department of Public Health and  
13 community-based organizations certified to provide HIV/AIDS  
14 testing must provide these informational materials to the  
15 warden at no cost to the office of the county sheriff.

16 (d) Implementation of this Section is subject to  
17 appropriation.

18 (Source: P.A. 94-629, eff. 1-1-06.)

19 Section 99. Effective date. This Act takes effect upon  
20 becoming law."